

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE TIRATH S. THAKUR

WRIT PETITION NO. 484/1992

BETWEEN:-

M. Manjunathaswamy,
Managing Partner,
M/s. Srinivasa Products,
No. 45, 5th Block,
Rajajinagar,
Bangalore - 5 60 010.

..petitioners

(By Sri C.G. Sunder, Advocate)

AND:-

1. The Commercial Tax
Officer, XIX Circle,
Bangalore.
2. The Tahsildar,
4th Circle,
Krishna Bhavan,
II Floor,
Hudson Circle,
Bangalore - 560 002.

..RESPONDENTS

(By Sri K.M. Shivayogi Swamy, HCCP)

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This Writ Petition filed u/a 226 of the Constitution of India praying to quash Annexure 'B' dt. 30.12.91 bearing No. PUC-Z-4/ST/8141/90-91 and Annexure-C issued to R2 by R2. and etc.

This Writ petition coming on for hearing this day, the Court made the following:-

O R D E R

A first appeal preferred against an assessment order made under the Karnataka Sales Tax Act, having failed, the petitioner appears to have filed a second appeal before the Karnataka Appellate Tribunal. Since the Appellate Tribunal does not have any power to grant an interim order of stay, the petitioner has come up with the present writ petition challenging the recovery notice issued on the basis of the assessment made by the Authorities below.

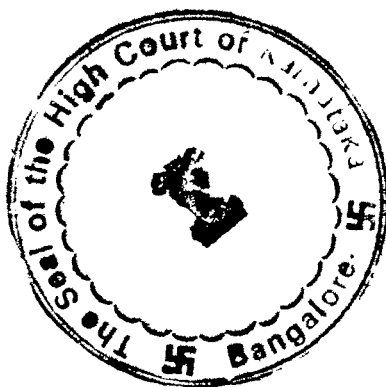
2. No one has appeared on behalf of the petitioner. Mr. Shivayogi Swamy, Government Pleader points out that the appeal was filed as early as in the year 1992 and that the

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same must in all likelihood have been disposed of by the tribunal by now. It is submitted that even if by any chance, the appeal was still pending, the same could be directed to be disposed of expeditiously and the interim order granted by this court continued in the meantime.

2. In the circumstances, and keeping in view the submission made at that bar, I direct that Sales Tax appeals No. 461-462/91 filed by the petitioner before the Karnataka Sales Tax Appellate Tribunal shall be disposed of within 3 months from today if not already disposed of. Interim order granted by this court shall also continue in the meantime, but only for a period of 3 months. No costs.



Sd/-
JUDGE

mpk/

hba/-